

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,
Plaintiff,

v.

ANNA GATTI, et al.,
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER ON ALMAWAVE USA'S
MOTION TO COMPEL**

Re: Dkt. Nos. 392, 400

On January 6, 2016, the court ordered Plaintiff Loop AI Labs Inc. (“Loop”) and Defendant Almaxwave USA, Inc. (“Almaxwave”) to submit a joint discovery letter by January 15, 2016 regarding Almaxwave’s motion to compel further responses to discovery by Loop. [Docket No. 355.] The parties were unable to file a joint letter, and on January 20, 2016, the court granted the parties leave to file separate letters. [Docket No. 399.] The parties timely filed the letters. [Docket Nos. 392-1, 400.]

The parties’ lamentable discovery conduct has consumed an unjustifiable amount of court resources. [See Docket No. 271; see also Docket No. 415 (Feb. 5, 2016 Order by Hon. Haywood S. Gilliam).] Their behavior has impeded the court’s ability to control its docket and to provide prompt attention to the needs of litigants in other cases. Accordingly, instead of providing the parties with a detailed (and time-consuming) analysis, the court makes these rulings in summary form.

A. Requests for production (“RFPs”)

Almaxwave’s discovery letter does not set forth the substance of the parties’ dispute about its RFPs. Instead, Almaxwave incorporates by reference a meet and confer letter. This is improper and unhelpful. Almaxwave’s motion to compel Loop to provide further responses to its RFPs is

1 denied without prejudice.

2 **B. Interrogatories**

3 Interrogatory nos. 3, 5, and 7 are permissible interrogatories seeking the factual bases for
4 Loop's allegations. Loop shall serve amended responses to interrogatory nos. 3, 5, and 7 by
5 March 15, 2016.

6 Interrogatory no. 4 asks Loop to describe "any investigation conducted regarding potential
7 claims against, or potential wrongdoing committed by Almaxwave, including but not limited to
8 identifying the date when any such investigation was conducted and who conducted the
9 investigation." Almaxwave did not explain how the information sought by the interrogatory is
10 relevant to any party's claim or defense and proportional to the needs of the case pursuant to
11 Federal Rule of Civil Procedure 26(b)(1). Accordingly, its motion to compel further response to
12 interrogatory no. 4 is denied without prejudice.

13 **C. Deposition notices**

14 Bart Peintner and Patrick Ehlen appear to be percipient witnesses. Loop must produce
15 Peintner and Ehlen for deposition by the close of discovery. The parties shall immediately meet
16 and confer regarding deposition dates for these two witnesses.

17 **D. Format/manner of Loop's production of documents**

18 Loop has made its document production available to Almaxwave and all other parties via an
19 online application that makes it impossible to download or print the documents in batches, or print
20 certain documents at all. Its production is also missing certain metadata requested by Almaxwave.

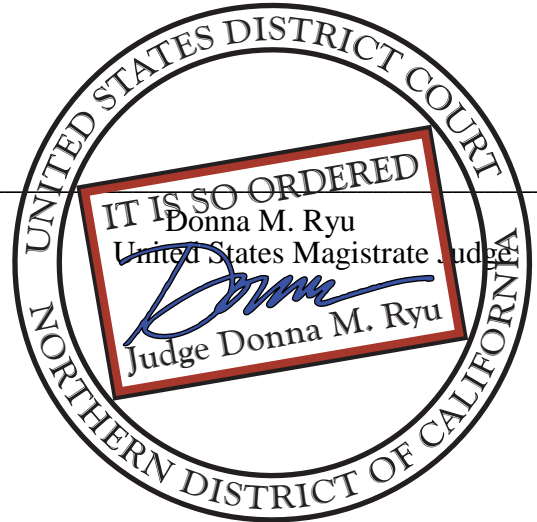
21 Loop's method of production unreasonably restricts the parties' ability to work with
22 Loop's documents. The existing confidentiality order adequately addresses Loop's concerns about
23 confidentiality. By no later than March 14, 2016, Loop shall provide its entire document
24 production to all parties on a disk or via Dropbox. Loop must produce its documents in searchable
25 form unless the cost of doing so would be significant and prohibitive. If this is the case, Loop
26 shall notify the court of the exact expense involved in providing its document production in a
27 searchable format by March 14, 2016.

28 Loop's production must include To/From/CC information for email, and must enable

reviewing parties to determine whether any specific email included an attachment(s) or was part of a chain, i.e., must indicate a family or parent/child relationship between emails and attachments.

IT IS SO ORDERED.

Dated: March 10, 2016



United States District Court
Northern District of California